

**From:** Rob Pixley  
**To:** Microsoft ATR  
**Date:** 1/26/02 10:49pm  
**Subject:** Microsoft Settlement

To Whom it may concern:

I am writing you to comment on the proposed settlement in the anti-trust case against Microsoft Corp as directed by the Tunney Act.

My name is Robert Pixley. I am and have been employed as a software developer since 1993.

Microsoft's behavior in the marketplace has lead us to this juncture. Unfortunately, each time the legal system has been involved the results have been either a slap on the wrist or outright travesties of justice allowing Microsoft to completely continue it's behavior.

The only sliver of common sense related to this issue was recent judge's denial of Microsoft's 'offer' to supply schools with free computers and software as part of a settlement. This behavior crystalizes Microsoft's intentions; at each and every turn attempt to pervert the process and turn it to it's benefit. The offer by RedHat (a Linux distributor) to supply the software for computers purchased by Microsoft was a step forward in fixing the problems of the current marketplace. Microsoft predictably didn't take this offer up as it wouldn't have done them any good. Punishment is not meant to help the convicted. Yet Microsoft attempts this time and time again.

Microsoft has argued that the bundling of Internet Explorer (IE) into the Windows Operation System cannot be undone. For starters, this is completely false. Each and every company makes backups; so they could simply 'go back in time' to a point when the code was separate and just 'not' integrate it. Would this be difficult, time consuming, and expensive? Of course, but it's not Microsoft well being that should be of concern.

Next, Microsoft has said users asked for the bundling. Is there proof of this? If so, it has not been disclosed in any forum of which I am aware. From knowing many average computer users who use myself as a knowledge source of computers, I have yet to have been asked to bundle IE into Windows.

Let us say for a moment that 'bundling' the browser does increase usability and is generally a good thing. Then there should be a clear way to include 'any' browser to do this work. If it is Microsoft saying that only IE can do the work, then that is clearly a reason they chose to integrate. And that decision specifically wounded Netscape Navigator.

If a 'browser' is better at doing certain 'OS' functions, than any browser should be able to do the job; not just Microsoft's browser.

Part of the proposed settlement allows OEMs to remove icons to access to IE, but IE itself still remains fully functional in the system. This doesn't stop Microsoft from in the future using the fact that their software still has it's 'illegal' functionality. The functionality needs to be removed by whatever means necessary. Microsoft's argument that Windows needs IE to function should be followed up by asking WHAT specifically the IE component does. If this can't be detailed then it's clear the bundling was done for harmful business reasons, not technical ones. If it can be explained what IE does better than Windows, then release this list. This way, Netscape or another company could create a browser to replace IE completely.

This nicely dovetails into documentation of the Windows API. Having done various programming projects that have entailed this area I can speak from experience it requires very thick volumes purchased 3rd party to understand what is going on. Nowhere from Microsoft is there a list of 'all' the APIs and their specifications and usage. How can any company hope to compete when the 'rules' of the game are held in secrecy by the opponent? Microsoft cannot be trusted to do this documentation and publication. History has shown they will not disclose anything until it is worse for them to not say anything. Just look to the recent Hotmail vulnerability; until the discoverer of the 'bug' publically detailed his findings, Microsoft was willing to allow all it users of the Hotmail service to be vulnerable. Microsoft's response to this was to belittle the finder and say he was wrong for bringing up the problem. Microsoft does not like to have it's problems exposed; that I don't blame them for. However, when you provide the basic tool of modern economics you have different standards applied.

I suppose I could go on at length on any number of other issues but I shall close with this.

Microsoft has not yet come to see that they are at fault here and need to change. This settlement does NOTHING to stop them from continuing on their current practices. The terms are so archaic and contain so much convoluted 'legalese' that enforcing it will only require even more expensive litigation to determine whether or not it's been accurately followed. Stop this now and find a real settlement that brings Microsoft into understanding they are wrong. That will not be easy nor pleasant. But the consequences of allowing Microsoft to continue it's stranglehold on the computer marketplace are almost immeasurable. To understand just how much power Microsoft holds; attempt ONE day of work WITHOUT using Windows or any Microsoft product.

I wish you luck,

Sincerely,

Robert Pixley  
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